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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,033	12/10/2003	Satoshi Murakami	740756-2677	5144

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EXAMINER

BREWSTER, WILLIAM M

ART UNIT	PAPER NUMBER
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2823

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,033

Applicant(s)

MURAKAMI ET AL.

Examiner

William M. Brewster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 18, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai, US Publication No. 2003/0052597 A1.

Sakurai anticipates limitations from claim 1, 5, 9,
a light-emitting device comprising: in fig. 3,
a transistor including:
a semiconductor film 221;
a gate insulating film 251 formed on the semiconductor film;
a gate electrode 210G formed on the gate insulating film;
a first film 252 formed on the gate electrode;
a first contact hole 235 provided in the first film;
a wiring 210D formed on the first film;
a second film lower portion of 253 formed of the same layer as the wiring on the first film;

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a third film, upper portion of 253, formed over the first film;
a second contact hole 236 provided in the third film;
an electrode 202 of a light-emitting element formed on the third film; and
a fourth film 213 covering an edge of the electrode of the light-emitting element,
wherein the electrode of the light emitting element is formed so that at least a portion of
the electrode 213 of the light-emitting element is overlapped with the second film, lower
portion of 253, and
wherein an opening, lined by 204, of the fourth film is provided in an overlap portion of
the electrode 202 of the light-emitting element and the second film, lower portion of 253,
and
wherein a first contact hole 235 of the first film and a second contact hole 236 of the
third film are overlapped with the fourth film 254, pp. 2-4, ¶ 25-39;

limitations from claims 2, 6, 10, the light-emitting device according to claims 1, 5,
9 wherein a reflective film is included in the electrode of the light-emitting
element, p. 2, ¶ 25;

limitations from claims 3, 7, 11, the light-emitting device according to claims 1 of
5 or 9 or claims 2, 6, or 10 wherein the wiring 210D is integrated with the second
film lower portion of 253, wherein they are both formed on the 253;

limitations from claims 4, 8, 12 the light-emitting device according to claims 1, 5,
9 wherein the second film, lower portion of 253, has a film thickness equal to or
thicker than that of the wiring, 210D, wherein the thickness of the lower portion of
253 is at least as thick as 210D;

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limitations from claim 20, the light-emitting device according to claim 1, wherein the light-emitting device is an active matrix display device, a "plurality of display pixels arranged in a matrix", ABSTRACT;

limitations from claims 13, 18, a light-emitting device comprising:

a conductive film 210D formed on a first interlayer insulating film 252;

a second interlayer insulating film lower portion of 253, formed over the first interlayer insulating film; and

an electrode 202 of a light-emitting element formed on the second interlayer insulating film;

a contact hole 236 provided in the second interlayer insulating film; and

a partition layer 213 covering an edge of the electrode of the light-emitting element, the electrode of the light-emitting element,

wherein the electrode 202 of the light-emitting element is electrically connected to the conductive film 210D in the contact hole 236;

wherein the electrode 202 of the light-emitting element is formed so that at least a portion of the electrode of the light-emitting element is overlapped with the conductive film 210D,

wherein an opening of a the partition layer, lined by 204

is provided in an overlap portion of the electrode of the light-emitting element and the conductive film, and

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wherein the contact hole 236 of the second interlayer insulating film is overlapped with the partition layer 213;

limitations from claims 21, 22, the light-emitting device according to claims 13, 18, wherein the light-emitting device is an active matrix display device, a "plurality of display pixels arranged in a matrix", ABSTRACT;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai in view of Kimura, US Publication No. 2002/0011799 A1.

Sakurai teaches limitations from claim 19, a light-emitting device comprising:
a conductive film 210D formed on a first interlayer insulating film 252;
a second interlayer insulating film lower portion of 253, formed over the first interlayer insulating film; and
an electrode 202 of a light-emitting element formed on the second interlayer insulating film;
a partition layer 213 covering an edge of the electrode of the light-emitting element,
the electrode of the light-emitting element,

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wherein the electrode 202 of the light-emitting element is electrically connected to the conductive film 210D in a contact hole 236;

wherein the electrode 202 of the light-emitting element is formed so that at least a portion of the electrode of the light-emitting element is overlapped with the conductive film 210D,

wherein an opening of a the partition layer, lined by 204 is provided in an overlap portion of the electrode of the light-emitting element and the conductive film, and

limitations from claims 23, the light-emitting device according to claim 19, wherein the light-emitting device is an active matrix display device, a "plurality of display pixels arranged in a matrix", ABSTRACT.

Sakurai specifies using an electroluminescent layer to emit colors, rather than a color filter, but Kimura teaches a color filter. Kimura teaches forming an electroluminescent layer (EL) to form color, and alternatively teaches forming a color filter which is formed by a color film formed over the electrode of the light-emitting element, wherein the color filter is overlapped with the overlap portion of the electrode of the light-emitting element and the conductive film, as the EL is overlapped with the electrode to function, and the color filter must be overlapped with the EL layer to form the desired color. Kimura gives motivation in p. 12, ¶ 205. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to recognize

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that combining Kimura's process with Sakurai's invention would have been beneficial because it is an acceptable and known alternative to produce color filters.

Prior Art of Record

Attorney should confirm Inukai et al., US Patent No. 7061,186; Yamazaki et al., US Patent No. 6,670,637; Yamazaki et al., US Patent No. 6,384,427; Inukai, Kazutaka, US Publication No. 2002/0047120 A1; Yamazaki et al., US Publication No. 2002/0134979 A1; Koyama et al., US Publication No. 2002/0021266 A1 were all commonly assigned to the assignee of this application, or face possible rejections based on the art.

Response to Arguments

Applicant's arguments filed 20 June 2006 have been fully considered but they are not persuasive. To the examiner's understanding, applicant argues the novelty of the application exists wherein normally the second film could become "rough to due to overetching of the wiring and forming unevenness at the surface of the second film." Applicant further explains the second film has a film thickness equal to or thicker than that of the wiring, provided by the height increased to enable local planarization of the surface of the third film in an overlapping portion of the second film and the third film. Applicant further argues Sakurai and Kimura fail to teach, disclose or suggest at least a second film and a third film.

While examiner concedes differences between the application and the prior art of record, in the examiner's opinion the meets and bounds of the claims do not fully reflect these differences. Looking at figure 1 of the application, the second film 114, defined horizontally by the vertical dotted lines (as the examiner understands the applicant's intention), was formed at the same time and with the same material as film 109, apparently the rest of the horizontal layer surrounding film 114. The limitations of claim 1, define briefly, "a second film formed of the same layer as the wiring on the first film; a third film formed over the first film."

By similar reasoning, the examiner could take Sakurai, fig. 3, layer 253, and place vertical dotted lines including some portion of wiring 210D, and label it "the second film" and the portion outside it as "the third film". Since it would meet the limitations of the second and third films, and, as explained above in the rejection, Sakurai teaches the claimed invention.

It is reminded to applicant, that the USPTO has tasked the examiner with an unwaivable duty to interpret the claims as broadly as reasonably possible. Examiner must give claims their broadest reasonable interpretation, MPEP §2111, "During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified, *In re Pratter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969),

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In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)."

Also see *In re Zletz*, 13 USPQ 2d. 1320 (Fed. Cir. 1989).

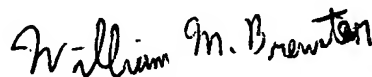
For the above reasons, the rejection is deemed proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. Brewster whose telephone number is 571-272-1854. The examiner can normally be reached on Full Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

27 July 2006
WB



WILLIAM M. BREWSTER
PRIMARY EXAMINER